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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/635,524	08/09/2000	Hiroyuki Takahashi	P19483	5635

7055 7590 08/13/2004

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EXAMINER

LEE, CHRISTOPHER E

ART UNIT	PAPER NUMBER
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2112

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action	Application No. 09/635,524	Applicant(s) TAKAHASHI, HIROYUKI	
	Examiner Christopher E. Lee	Art Unit 2112	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

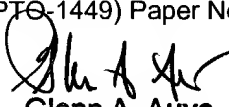
Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 1-7.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____


 Glenn A. Auve
 Primary Patent Examiner
 Technology Center 2100

cel/ 

Continuation of 2. NOTE: The Applicant amends the claim 1, and the amended claim 1 extends the scope of the claimed invention. It would require further consideration and/or search in order to properly consider patentability over prior art because the amended claim 1 was not previously addressed in the Final Office Action.

Continuation of 5. does NOT place the application in condition for allowance because:

In response to the Applicant's argument, "SHIMADA is directed to a program for patching of a ROM. ... Thus, SHIMADA does not disclose, inter alia, a return address setter that sets a return address that coincides with the comparison address data ... CROUSE discloses an insertion point 36 that executes additional code 38. ... In this regard, CROUSE does not disclose a return-address-setter that sets an address to coincide ... " on the Response page 8, lines 3-20, the Examiner respectfully disagrees. In contrary to the Applicant's allegation, SHIMADA suggests the claimed subject matters "return-address-setter" and "address-coincidence-disabler" (See Final Office Action, page 5, lines 9-14). Furthermore, CROUSE clearly shows a well-known to one of ordinary skill in the art as an evidence of the limitation, such that said return-address-setter that sets return-address data in said program counter to coincide with said comparison address data when execution of said interruption-process in accordance with said revisional program is complete, wherein said revisional program is an additional part of programs (See Final Office Action, page 5, line 17 through page 6, line 4). Thus, the Applicant's argument of this point is not persuasive.

In response to the Applicant's assertion about the entry of the present amendment on the Response page 9, lines 11-21, the Examiner respectfully disagrees.

In contrary to the Applicant's statement, the amendment introduces a new issue, such that "an interrupt-process is executed to virtually revise the programs stored in the read-only memory by adding a program" (See the amended claim 1). Moreover, the deleted limitation "when the revisional program adds a program" also contributes to extend the scope of the claimed invention. Therefore, the amendment clearly introduces a new issue, which was not considered in the Final Office Action, and should not be entered. Thus, the Applicant's argument of this point is not persuasive.